1 2 3 4 5 6 7 8	SCOTT N. SCHOOLS, SCSBN 9990 United States Attorney JOANN M. SWANSON, CSBN 88143 Assistant United States Attorney Chief, Civil Division EDWARD A. OLSEN, CSBN 214150 Assistant United States Attorney 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-6915 FAX: (415) 436-6927 Attorneys for Defendants	
9	UNITED STATES DISTRICT COURT	
10	NORTHERN DISTRICT OF CALIFORNIA	
11	SAN FRANCISCO DIVISION	
12 13 14 15 16 17 18 19 20 21	TAO DENG, and her husband JIAN LIU, Plaintiffs, V. ALBERTO GONZALES, Attorney General of the United States; MICHAEL CHERTOFF, Secretary of the Department of Homeland Security; EMILIO T. GONZALEZ, Director of United States Citizenship and Immigration Services; ROBERT S. MULLER, Director of the Federal Bureau of Investigation; CHRISTINA POULOS, Acting Director of the California Service Center, Defendants.	JOINT CASE MANAGEMENT STATEMENT; REQUEST THAT COURT VACATE CASE MANAGEMENT CONFERENCE; AND (PROPOSED) ORDER Date: August 3, 2007 Time: 8:30 a.m.
22	1. Jurisdiction and Service	
23	The basis asserted by plaintiffs for this Court's jurisdiction is 28 U.S.C. § 1331, 28 U.S.C. §	
24	1361, and 5 U.S.C. § 701 et seq. The parties do not dispute that venue is proper in this district.	
25	No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.	
26	2. Facts	
27	The plaintiffs are natives of China who each filed a Form I-485 application to adjust status to	
28	lawful permanent resident with the United States Citizenship and Immigration Services (USCIS)	
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on or about February 18, 2005. The USCIS has not yet adjudicated the Form I-485 applications 1 because the required background checks, including the FBI name check, have not been completed. The plaintiffs filed an action on January 15, 2007, seeking an order from this Court directing 3 USCIS to adjudicate their Form I-485 applications. 4 5 3. Legal Issues 6 Whether this Court should dismiss the plaintiff's action for failure to state a claim and for lack 7 of subject matter jurisdiction. 8 Assuming this Court has jurisdiction, whether the defendants are processing the plaintiffs' I-485 applications within a reasonable period of time. 4. Motions 10 11 The parties intend to file cross-motions for summary judgment to resolve this case. 5. Amendment of Pleadings 12 No parties, claims or defenses are expected to be added or dismissed. 13 14 6. Evidence Preservation 15 The parties do not have any evidence that falls within this category. 7. Disclosures 16 17 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to this case. 18 19 8. Discovery The parties do not intend to take any discovery at this time. 20 9. Class Actions 21 22

N/A

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10. Related Cases

The parties are not aware of any related case or cases. 24

11. Relief

The plaintiffs ask this Court to direct USCIS to adjudicate their Form I-485 application.

12. Settlement and ADR

The parties have filed their ADR certification and a Notice of Need for an ADR Phone

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1 Conference. 2 13. Consent to Magistrate Judge for All Purposes 3 One or more of the parties have declined magistrate judge jurisdiction. 14. Other References: 4 5 The parties do not believe that this case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation. 6 7 15. Narrowing of Issues 8 The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial (e.g., through summaries or 10 stipulated facts), and any request to bifurcate issues, claims or defenses. 11 16. Expedited Schedule The parties believe this case can be resolved on motion(s). 12 13 17. Scheduling The parties propose the following schedule on the defendants' motion to dismiss: 14 15 Parties' Cross-Motions for Summary Judgment: November 2, 2007 Parties' Cross-Oppositions: 16 November 16, 2007 17 Hearing: November 30, 2007, at 10:00 a.m. 18 18. Trial 19 The parties do not anticipate the need for a trial in this case. 19. Disclosure of Non-Party Interested Entities or Persons: 20 The parties intend to file the "Certification of Interested Entities or Persons" required by Civil 21 Local Rule 3-16. 22 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of 23 this matter

JOINT CASE MANAGEMENT STATEMENT

None.

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Dated: July 27, 2007

TRICIA WANG Attorney for Plaintiffs

Dated: July 27, 2007

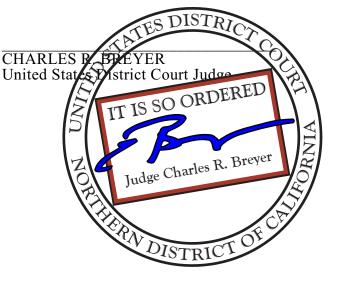
/s/

EDWARD A. OLSEN Assistant United States Attorney Attorney for Defendants

ORDER

The Case Management Statement and Proposed Order are hereby adopted as the Case Management Order for the case and the parties are hereby ordered to comply with this order. The Court hereby vacates the case management conference, which was scheduled for August 3, 2007, at 8:30 a.m.

Dated: August <u>02</u>, 2007



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